

These claims have been modified to particularly point out the client computer's role in the claimed invention. No new matter has been introduced.

§102(e) Rejections Under Tso

In the March 15, 2002 Office Action, claims 1-10, 12-21, and 23-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No., 6,185,625, issued to Tso et al. (hereinafter "Tso"). As discussed below, Applicants respectfully submit that claims 1-10, 12-21, and 23-34 are not anticipated by *Tso*.

Claim 1 of the present invention, as amended, states:

In a client computer system, a method of operation comprising:
determining operating characteristic value(s), by the
client system, for at least one operating characteristic of the
client computer system;
adaptively requesting, by the client system, streaming of
model data from a remote content providing server, based at
least in part on the determined operating characteristic
value(s) of the at least one operating characteristic of the
client computer system.

The plain language in this claim states that the determination of the operating characteristic values of the client computer system, as well as the adaptive requesting streaming of model data from a content providing server, are performed by the client computer system. The client computer system evaluates its operating characteristics, and based upon that evaluation determines the level of model data it wants to receive, and then communicates the level of model data desired to the server.

In contrast, *Tso* discloses a method wherein an encode manager, as part of a remote scaling server, and not the client computer, controls one or more

encode service providers which may be used to selectively scale content (Col 6, lines 30-32). While an example of the predetermined selection criteria that may be used to selectively scale content includes capabilities of the network client (Col 6, lines 37-39), the remote scaling server, and not the client, determines the scaling and requests scaled data. Thus, unlike the present invention, under *Tso* the client computer system has no control over the level of model data it receives. The control over the level of model data is determined by the remote scaling server.

Therefore, the present invention and *Tso* teach away from each other. Neither anticipates the other. So, for at least the reasons stated above, Applicants respectfully submit that claim 1 is patentable over *Tso*.

Claims 12, 23, 26, and 29 contain similar limitations as claim 1. Accordingly, for at least the same reason that claim 1 is patentable over *Tso*, claims 12, 23, 26, and 29 are patentable over *Tso*.

Claims 2-10, 13-21, 24-25, 27- 28, 30-34 are dependent on claims 1, 12, 23, 26, or 29, and incorporate their limitations. Accordingly, for at least the same reason, claims 1, 12, 23, 26, and 29 are patentable over *Tso*, claims 2-10, 13-21, 24-25, 27-28, and 30-34 are patentable over *Tso*.

§103(a) Rejections Under *Tso*

In the March 15, 2002 Office Action, claims 11 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Tso*. As discussed below, Applicants respectfully submit that claims 11 and 22 are not obvious in view of *Tso*.

Given that claim 11 is dependent upon claim 1, and claim 22 is dependent upon claim 12, and *Tso* does not teach the art included in claims 1 and 12, as explained in the preceding section, accordingly, the invention as claimed in claims 11 and 22 could not be obvious in view of *Tso*. Therefore, the present invention as claimed in claims 11 and 22 is patentable over *Tso*.

Examiner has taken "Official Notice" that the concept of "dropping audio data frames" is "old and well known in the data communication art." Applicants disagree. However, in view of the foregoing discussion, it is not an issue that needs to be addressed.

§103(a) Rejections over *Tso* In View Of *Britton*

In the March 15, 2002 Office Action, claims 35-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Tso* in view of *Britton* et al., U.S. Patent No. 6,279,030 (hereinafter "*Britton*"). As discussed below, Applicants respectfully submit that claims 35-38 are not obvious over *Tso* in view of *Britton*.

Given that claims 35-36 are dependent upon claim 1, and claims 37-38 are dependent upon claim 12, and *Britton* does not solve the deficiencies of *Tso*, as explained in the preceding section, the invention as claimed in claims 35-38 could not be obvious over *Tso* in view of *Britton*. Therefore, the present invention as claimed in claims 35-38 is patentable over *Tso* in view of *Britton*.

Examiner asserts that *Britton* teaches "determining a single composite operating characteristic value based on the determined operating characteristic values of the at least one operating characteristics". Further the Examiner asserts that *Britton* teaches "wherein said determining comprises computing a

weighted index that weights relative importance of said at least one operating characteristic". Assuming, in arguendo, that the Examiner's assertions are correct, in view of the foregoing discussion, it is not an issue that needs to be addressed.

CONCLUSION

In conclusion, Applicants respectfully submit that claims 1-38 are now in a condition for allowance, and Applicants respectfully request allowance of such claims.

Please charge any shortages and credit any overages to our Deposit Account No. 501569.

Respectfully submitted,

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Marked-up Version of the Claims

1 1. In a client computer system, a method of operation comprising:
2 determining operating characteristic value(s), by the client system, for at
3 least one operating characteristic of the client computer system;
4 adaptively requesting, by the client system, streaming of model data from
5 a remote content providing server, adjusting said requesting based at least in
6 part on the determined operating characteristic value(s) of the at least one
7 operating characteristic of the client computer system.

1 12. A client computer system comprising:
2 a processor to execute programming instructions; and
3 a storage medium, coupled to the processor, having stored therein a first and
4 a second plurality of programming instructions to be executed by the processor, the
5 first plurality of programming instructions, when executed, determine operating
6 characteristic value(s), by the client computer system, for at least one operating
7 characteristic of the client computer system, and the second plurality of
8 programming instructions, when executed, adaptively request, by the client
9 computer system, streaming of model data from a remote content providing server,
10 adjusting said requesting based at least in part on the determined operating
11 characteristic value(s) of the at least one operating characteristic of the client
12 computer system.

1 23. In a computer server, a method of operation comprising:
2 storing multiple versions of model data tailored for different operating
3 environments differentiated in accordance with value(s) of at least one operating
4 characteristic of a remote requesting client computer system;
5 accepting requests from the remote requesting client system for said model
6 data that adaptively includes version selection designations, with the inclusion being
7 adjusted, by the remote requesting client computer system, based at least in part on
8 the operating characteristics of the remote requesting client computer system; and
9 streaming the requested versions of the model data to the remote requesting
10 client computer system, responsive to the accepted requests.

1 26. A computer server comprising:
2 a processor to execute programming instructions; and
3 a storage medium, coupled to the processor, having stored therein multiple
4 versions of model data tailored for different operating environments differentiated in
5 accordance with value(s) of at least one operating characteristic of a remote
6 requesting client computer system, and a plurality of programming instructions,
7 when executed, accept requests from the remote requesting client computer system
8 for said model data that adaptively includes, by the remote requesting client
9 computer system, version selection designations, with the inclusion being adjusted
10 based at least in part on said operating characteristic of the remote requesting client
11 computer system, and stream the requested versions of the model data to the
12 remote requesting client computer system, responsive to the accepted requests.

1 29. A method for streaming multi-media content comprising:

2 storing by a multi-media content providing server, multiple versions of model

3 data tailored for different operating environments differentiated in accordance with

4 value(s) of at least one operating characteristic of a remote requesting client

5 computer system;

6 determining by a multi-media content player of the remote requesting client

7 computer system, operating characteristic value(s) for at least one operating

8 characteristic of the remote requesting client computer system;

9 adaptively requesting by the multi-media content player of the remote

10 requesting client computer system, different versions of model data from the multi-

11 media content providing server, adjusting said requesting based at least in part on

12 the determined operating characteristic value(s) of the at least one operating

13 characteristic of the remote requesting client computer system; and

14 streaming by the multi-media content providing server, the requested

15 versions of the model data, responsive to the requests of the multi-media content

16 player.